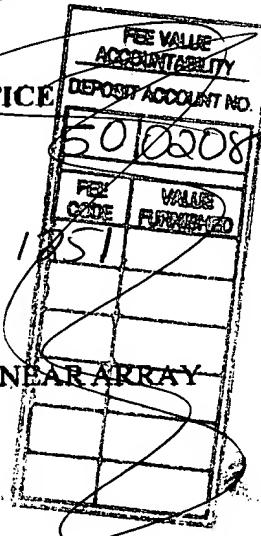


DOCKET NO. 00-C-015 (STM101-00015)  
Customer No. 30425

#9  
EDT① +  
Notice of appeal  
Docket 15/15  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : ANTHONY M. CHIU  
Serial No. : 09/656,985  
Filed : September 7, 2000  
For : SURFACE MOUNT PACKAGE FOR LINEAR ARRAY  
SENSORS  
Group No. : 2811  
Examiner : N. Parekh



Box AF  
Commissioner for Patents  
Washington, D. C. 20231

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Sir:

FEB 11 2003

TECHNOLOGY CENTER 2800

PETITION UNDER 37 C.F.R. § 1.144

02/26/2003 SDAVIS 00000008 500208 09656985

01 FC1251 110.00 CR Pursuant to 37 C.F.R. § 1.144, and prior to entry of Applicant's Notice of Appeal,

Applicant respectfully petitions from the Restriction Requirement mailed November 19, 2001.

Applicant traversed the Restriction Requirement in a response filed December 31, 2001, and requested reconsideration of the Restriction Requirement in a response filed January 14, 2003.

The Restriction Requirement restricted claims 1–7, drawn to a method of making a semiconductor device, from claims 8–18, drawn to a semiconductor device.

The Restriction Requirement asserts that the method and device claims are distinct

because the device claims may be manufactured by a materially different process than that

Adjustment date: 06/06/2003 EEKUBAYA  
02/26/2003 SDAVIS 00000008 500208 09656985  
01 FC1251 110.00 CR

ATTORNEY DOCKET NO. 00-C-015 (STMI01-00015)  
U.S. SERIAL NO. 09/656,985  
PATENT

recited in the method claims. Specifically, the Restriction Requirement asserts that the integrated circuit devices may be packaged after being mounted on the circuit board.

Restriction is only proper where the claims are independent or distinct. MPEP § 806. In passing on questions of restriction, the claimed subject matter must be compared in order to determine distinctness and independence. MPEP § 806.01. In the present application, pending independent claim 1 does not recite packaging the integrated circuit, only that the integrated circuits each include a linear array of photosensors within a portion remaining exposed after packaging. Claims 2 and 6 recite packaging the integrated circuits, but do not specify whether the integrated circuits are packaged before or after being mounted on the circuit board. These claims (as distinct from the exemplary embodiment described in the specification) do not require that the integrated circuit sensor devices be mounted on a circuit board prior to packaging. Accordingly, the restriction requirement has no basis in the claims.

In addition, a process of making and the product made are distinct inventions only if: (A) the process as claimed is not an obvious process of making the product and can be used to make other and different products; and (B) the product as claimed can be made by another and materially different process. The Restriction Requirement asserts that packaging the integrated circuits after they are mounted on the circuit board is materially different than packaging the integrated circuits before they are mounted on the circuit board. However, Applicant respectfully traverses the assertion that packaging the integrated circuits before they are

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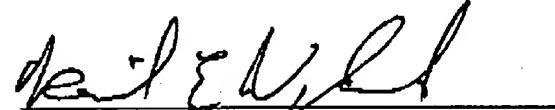
mounted on the circuit board is patentably distinct from packaging the integrated circuits after they are mounted on the circuit board.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 2-11-03



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## Facsimile Cover Sheet

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To: Examiner N. Parekh, Group No. 2811      Fax: (703) 872-9319  
From: Daniel E. Venglarik, Esq.      Time: 3:27 PM  
Date: February 11, 2003      Client/Matter: 00-C-015 (STMI01-00015)

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U.S. Serial No.: 09/656,985 – Filed September 7, 2000

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Examiner : N. Parekh

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**CERTIFICATE OF TRANSMISSION BY FACSIMILE**

Sir:

The undersigned hereby certifies that the following document:

FEB 11 2003

1. Petition Under 37 C.F.R. §1.144

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relating to the above application was faxed to (703) 872-9319 on February 11, 2003.

Date: 2/11/03

*Kathy Longnecker*  
Foker  
*Jan D. V. L.*  
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